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ORDINANCE NO. 3834

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF THE EDMONDS CITY CODE CHAPTER 4.72 BUSINESS LICENSE BY THE ENACTMENT OF A NEW SECTION 4.72.055, PROVIDING FOR AN APPEAL OF DENIAL OF A LICENSE, AMENDING SECTION 4.72.060 REVOCATION OR SUSPENSION, AMENDING SECTION 4.72.010 DEFINITIONS TO DEFINE "DAY" BY ADDING A NEW SUBSECTION E, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the current provisions of ECC Chapter 4.72 provide for a hearing before the City Council on the revocation of suspension of a business license but do not provide a mechanism for review in the event that a license application is denied; and

WHEREAS, the City Council wishes to provide for such a hearing as well as consistency with the process for revocation or suspension, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. The Edmonds City Code Chapter 4.72 is hereby amended by the addition of a new section 4.72.055.

4.72.055 Denial of license - hearing.

In the event that a license is denied under this chapter based on the provisions of Chapter 4.72.050, or for any other lawful reason, the applicant may request a hearing. Such request shall be in writing and filed within ten (10) days of the date of written denial by the City of a license application. A hearing shall be scheduled within

thirty (30) days before the Hearing Examiner. The hearing shall proceed in the following format:

1. The applicant/appellant shall present proof of the nature of the activities which it seeks to conduct pursuant to a business license in the City of Edmonds.
2. The City shall have the burden of establishing, by a preponderance of the evidence, that the activities are in violation of a provision of any ordinance of the City of Edmonds, or the general statutes of the State of Washington.
3. The applicant/appellant may then present any rebuttal testimony which it wishes to present.

The Hearing Examiner shall enter written findings of fact and conclusions of law. No motion for reconsideration shall be available to either party. Appeal of the final decision shall be to the Snohomish County Superior Court in accordance with the applicable laws of the state of Washington.

Section 2. The Edmonds City Code Section 4.72.060 Revocation or suspension

is hereby amended to read as follows:

4.72.060 Revocation or suspension.

The Mayor or his designee may, at any time, suspend or revoke any license issued hereunder whenever the licensee or officer or partner thereof has been convicted in any court of competent jurisdiction of violating any statute of the United States or the state of Washington or any ordinance of the City of Edmonds upon the business premises stated in the license or in connection with the business stated in the license; where the business activity violates ECC 4.72.050; or where the place of business does not conform to the ordinances of the City of Edmonds. Prior to such suspension or revocation, the permittee shall be provided an opportunity for a hearing. The licensee shall be notified in writing by sending a written notice to the address stated on the license of the intention of the City to revoke or suspend said license. The applicant may then appeal by filing written notice with the City Clerk within ten (10) days of the notice of revocation or suspension. The City Clerk shall schedule a hearing within twenty (20) days before the Hearing Examiner. The licensee may appear at that time and be heard in opposition to such revocation or suspension.

Section 3. The Edmonds City Code Section 4.72.010 is hereby amended to add a new subsection 4.72.010(E) to read as follows:

4.72.010 Definitions.

...

E. "Day." The term "day" when used in this chapter shall refer to days on which the City of Edmonds City Hall is open for business. Any day which is defined as a holiday by ordinance and any day on which City Hall has been closed by executive order shall not constitute a "day."

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:


MAYOR MIKE COOPER

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	01-14-2011
PASSED BY THE CITY COUNCIL:	01-18-2011
PUBLISHED:	01-23-2011
EFFECTIVE DATE:	01-28-2011
ORDINANCE NO. <u>3834</u>	

SUMMARY OF ORDINANCE NO. 3834

of the City of Edmonds, Washington

On the 18th day of January, 2011, the City Council of the City of Edmonds, passed Ordinance No. 3834. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF THE EDMONDS CITY CODE CHAPTER 4.72 BUSINESS LICENSE BY THE ENACTMENT OF A NEW SECTION 4.72.055, PROVIDING FOR AN APPEAL OF DENIAL OF A LICENSE, AMENDING SECTION 4.72.060 REVOCATION OR SUSPENSION, AMENDING SECTION 4.72.010 DEFINITIONS TO DEFINE "DAY" BY ADDING A NEW SUBSECTION E, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 19th day of January, 2011.

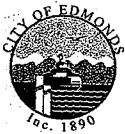


CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



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The full text of this Ordinance will be mailed upon request.
DATED this 19th day of January, 2011.

CITY CLERK, SANDRA S. CHASE

Published: January 23, 2011.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance NO. 3834

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

January 23, 2011

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Groll

Principal Clerk

Subscribed and sworn to before me this

24th

day of January, 2011

[Signature]
Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

RECEIVED

JAN 28 2011

EDMONDS CITY CLERK